



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

MINUTES
SPECIAL WORK SESSION
City Council Work Room, 38 Hawley Street, Binghamton
Monday July 7, 2014

Called to Order. Called to order by Council President Pro Tempore Webb at 5:01pm.

Council Members Present: Jerry Motsavage, Joseph Mihalko, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

Council Members Absent: Teri Rennia

Also Present: Jeremy Pelletier, Deputy City Clerk; Richard David, Mayor; Jennie Skeadas-Sherry, Director of Planning, Housing and Community Development; Robert Murphy, Director of Economic Development; Kenneth J. Frank, Corporation Counsel

ITEMS CONSIDERED

Questions from Previous Meeting. Jennie Skeadas-Sherry, Director of Planning, Housing and Community Development, led a review of a memo from the Planning Department, which responded to the various questions received at the Work Session held on June 16, 2014 regarding the Main/Court Street Corridor Zoning plan.

Main/Court Street Corridor Plan, Section 2, “Commercial Corridor”.

- Regarding building height in the Commercial Corridor district, what was the reason for limiting the proposed stories/feet to 3/45', instead of the 4/450' allowed in the Main Street district? What is the difference between the two districts which causes a change in proposed building height regulations?

Main/Court Street Corridor Plan, Section 2, “Design Standards”

- “Transitional Buffer”, is it necessary to outline the exact number of trees and shrubs required? In addition, does the table provided imply that all plant items listed are required in the buffer, or are they simply options from which a developer can choose? Clarify the intent of the table provided. What are the average costs for each of these items?
- Can the City provide a developer a range of the number of trees that need to be planted?
- Regarding items B2 and B3, is it necessary to list the building materials developers are allowed to use? Solicit advice from recent developers operating in the City to obtain their opinion on the proposed list, and ask whether or not their development would have been affected had they been required to adhere to these regulations.
- Reach out to the City of Malta to get more details about the list of building materials they allow. What don't they allow and why?
- Should the City allow the possibility of allowing new building materials to be used in the future once the list of building materials are adopted?
- Is there a State building code acceptable list of materials. What does the State building code allow and what do they don't allow?

Main/Court Street Corridor Plan, Section 3, “Land Use”

- Need more clarity on whether a community garden needs to be in the front or in the back of the property?



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Recess. Motion to recess at 5:45pm for fifteen (15) minutes.

Moved by Papastrat, seconded by Mihalko.

Voice vote none opposed.

Called to Order. Called to order by Council President Pro Tempore Webb at 6:02pm.

Council Members Present: Jerry Motsavage, Joseph Mihalko, Lea Webb, Chris Papastrat, John Matzo

Council Members Absent: Teri Rennia, Bill Berg (arrived 6:08pm)

Also Present: Jeremy Pelletier, Deputy City Clerk; Richard David, Mayor; Jennie Skeadas-Sherry, Director of Planning, Housing and Community Development; Robert Murphy, Director of Economic Development; Kenneth J. Frank, Corporation Counsel

Main/Court Street Corridor Plan, Section 3, “Special Conditions”

- Should it be the City Engineer or another department to determine all other uses for a drive-through facility?
- Is it the City Engineer who should be deciding special conditions on the Permitted Use Table

Main/Court Street Corridor Plan, Section 4, “Parking”

- Where did the consultants get the distances under Remote Parking?
- If a building burned down and it was rebuilt is the developer held to the same parking requirements as the previous building if parking was already taken under consideration? Will the parking requirements change if the building is a different use?
- Need more clarification on the Required Bicycle Parking chart under 4.1.D.
- Are there examples of businesses who had issues with providing both parking spaces and bicycle spaces? The inability to provide all necessary bicycle spaces should not hinder the business from opening? Are there examples of businesses that ran into this issue? What actions were taken in order to address the issue?
- What happens if a business can't provide both car and bicycle parking without getting a variance?
- Need more clarification on Required Vehicle Loading, specifically the loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians. This will be difficult for businesses that don't have a driveway to load or unload in the back of the building.
- What happens if there is not enough room to have required parking spaces and parking lot landscaping? Ask the City of Malta what incentives they provide to developers?
- Remove the requirement of having wheel stops and curbs with gaps due to the potential issues with plowing during the winter.

Main/Court Street Corridor Plan, Section 4, “Outdoor Display and Storage”

- Need more clarification about outdoor displays and signs. Did the consultants take this information from the new sign ordinance? If so, do we need Section 4.2 or 4.3?

Future Actions. City Council's Work Session scheduled for Monday August 4, 2014 will begin at 5:00pm instead of 6:00pm, in order to finish the review of the Main/Court Street Corridor Plan.

Discussion. Binghamton-Johnson City Joint Sewage Treatment Plant Intermunicipal Agreement X (“Master IMA”).



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Presented by: Ed Crumb

Minor Changes. Outlined below are those items City Council agreed to classify as “minor changes”, and which will be approved without further discussion or a joint session with the Village of Johnson City Board of Trustees, should the Board of Trustees consent to the same.

Moved Section 27 to Section 25

- Comment 30, Section 25. Move Section 27.F and 27.G to Section 25 “Operating Costs. Insert “i.” regarding Kirkwood into section 25 as it shows in IMA I.
- Comment 33, Section 25. Change “Sewage” to “Sewer” as it states in IMA II
- Comment 31, Section 27. Add “s” to Town to reflection IMA II
- Comment 32, Section 27. Add a space above “Dry-weather flow” definition
- Comment 35, Section 27. Make billing and collection separate from debt service
- Comment 36, Section 27. Remove “imposed by the Board for more than thirty (30) days after such surcharge” because it is redundant
- Comment 27+, Section 29. Change “Owner” to “Owners” to reflect the fact that the City of Binghamton and Village of Johnson City both own the JSTP
- Comment 37, Article IV. Better expression of article title
- Comment 38, Section 30. This section is from IMA 7 which was approved on September 1, 2009
- Comment 39, Section 31. Change “acknowledge” to “acknowledged”
- Comment 39, Section 32. Remove “the City and the Village” and replace with “the governing of each party” as stated in Section 31.
- Comment 39, Section 33. Remove “the City and the Village” and replace with “the governing of each party” as stated in Section 31.
- Comment 40, Section 33. To be true with IMA II need approval or agreement language. Change “constructed” to “construed”. Add reference to Section 10 because it refers to the outside user agreements and makes it consistent with the underlying documents
- Comment 41, Section 36. Change “violations” to “violation” and insert “An action or proceeding that pertains to” as shown in IMA 7
- Comment 2+. Change “facilities” to “plant” to be consistent with definitions in Chapter 336 of the City of Binghamton Code
- Comment 5, Section 1. Amend “Service Area” definition removing “other than” and inserting “including”

Major Changes. Outlined below are those items City Council agreed to classify as “major changes” requiring further discussion in a joint session with the Village of Johnson City Board of Trustees.

- Comment 43, Section __. Making sure that the two lead agency agreements remain in affect with IMA X. This is new language which needs to be discussed by both Owners
- Comment 42, Section __. Insert section stating “Copies of the reported entitled Joint Disposal of Sewage for the Village of Johnson City and City of Binghamton made by Clinton Bogert Associates dated June 1964 and supplements of said reported dated July 22, 1964 and September 29, 1964 shall be filed in the officers of the Clerk of the City, the Clerk of the Village, and the Board.” Need to discuss with VJC to determine who should be maintaining documents.



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- Section 23. Amend to state "The fiscal year Board shall be January 1 to December 31. The Board shall deliver its proposed budget to the Clerk of the City and Clerk of the Village with a copy to the Mayor of the City of Binghamton and the Mayor of the Village of Johnson City".

RL 14-94. A Resolution authorizing the City to accept golf equipment for the Dick's Sporting Goods Open.

Presented by: Jared Kraham, Executive Assistant to the Mayor

Request for Legislation supported by: Motsavage, Berg, Mihalko, Webb, Matzo, Papastrat

Sent to Corporation Counsel to be drafted as legislation.

Item sent to the Business Meeting on July 9, 2014.

Discussion. Update to Standard Work Day for Elected & Appointed Officials

Presented by: Kenneth J. Frank, Corporation Counsel

RL 14-95. A Resolution establishing a standard work day for elected and appointed officials and authorizing the City Clerk to file the standard work day and reporting resolution RS 2417-A with the Office of the New York State Comptroller.

Presented by Kenneth J. Frank

Request for legislation supported by: Motsavage, Berg, Mihalko, Webb, Matzo, Papastrat

Sent to Corporation Counsel to be drafted as legislation.

Discussion. Review of Traffic Board Meeting Minutes & Decisions

Presented by: Councilman Bill Berg

Discussion. Review of Introductory Ordinance 14-33, "An Ordinance authorizing the Mayor to submit the Fiscal Year 40 Annual Action Plan and to accept any and all funds allocated by the U.S. Department of Housing and Urban Development from the CDBG, ESG and HOME entitlement programs".

Presented by: Marty Doorey, Community Development Advisory Committee (CDAC) Chair

Motion to call back pages 4, 7 and 9.

Moved by Motsavage, seconded by Papastrat.

Motion to move \$20,000 from budget line CD7310.533516.CDY40 (Youth Programming) to budget line CD8666.533508.CDY40 (Demolition) totaling \$220,979.00.

Moved by Mihalko, seconded by Papastrat.

Motion carried. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Motion to move pages 4 and 7.

Moved by Mihalko, seconded by Matzo.

Motion carried. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia



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Motion to accept page 9.

Moved by Matzo, seconded by Papastrat.

Motion carried. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Webb, Papastrat, Matzo, Berg

Nays: None

Absent: Rennia

Discussion. Determining City Council representative to review employee background check appeals. Councilman Mihalko will be the City Council representative to review employee background check appeals. Should a conflict of interest occur, another Council member will be selected.

Presented by: Councilwoman Webb

Discussion. Review of pending legislation and Committee reports.

Presented by: Councilwoman Webb

Adjournment. Motion to adjourn at 7:47pm.

Moved by Papastrat, seconded by Matzo.

Voice vote, none opposed.